

REMARKS

Claims 1-16, 18, 19, 35 and 36 are pending. Claims 1, 35 and 36, the independent claims, have been amended. Claims 20-34 were previously canceled. The claims stand rejected under 35 U.S.C. §102.

Allowable Subject Matter

Applicants appreciate the indication by the Examiner that claim 3 is allowable over the art of record if re-written in independent form to include all the features of the base independent claim and any intervening claims. Since Applicants believe the base amended independent claim is patentable over the art of record, Applicants will forgo re-writing claim 3 in independent form.

§ 102 Prior Art Rejection

Claims 1, 2, 4-16, 18-19, 35 and 36 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,503,326 (Juhasz et al.). For the following reasons, Applicants submit that that the claims are patentable over the cited prior art.

The Invention

Independent claim 1 is directed to a multiple sample processing apparatus for a continuous flow centrifuge. The apparatus includes a plurality of axially aligned processing chambers and expressor chambers where each chamber includes an axial opening housing a central hub. A respective central hub of a respective chamber includes at least one first axially aligned dedicated passageway dedicated for fluid communication with a first chamber and at

least one second axially aligned dedicated passageway for fluid communication with a second chamber. Independent claims 35 and 36 recite similar patentable features.

The axially aligned dedicated passageways allow fluids to be directed toward specific chambers via a hub of another chamber, without the fluids for the respective chambers mixing. Each chamber, for example, includes at least one unique and independent fluid pathway through an assembled set of hubs (see specification, page 10, lines 1-8; Figs. 2-3) for allowing fluid to traverse into another chamber. One of the fluid pathways may be dedicated from the chamber having the hub (for example).

The Cited Prior Art

As understood by Applicants, Juhasz et al. is directed to a filter press, where a slurry is provided into a channel 7, where it is driven into a filter chamber 10 via a radial passage 8 of hollow core 6. Chambers 13 are pressurized via an exterior pressure source indicated by arrows 12. The liquid portion of the slurry penetrates filter cloths 4, which then passes through passages in spacers 5, indicated by arrows 16 and 16' (see specification, column 2, line 45 through column 3, line 15; and column 4, lines 4-9).

ANALYSIS

Requirements for Anticipation

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. 2131, quoting, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Applicants could find nothing in Juhasz et al. which discloses, or even would have

taught or suggested to one of ordinary skill in the art at the time the invention was made, of a sample processing apparatus where a central hub of a respective chamber includes axially aligned, dedicated fluid passageways for separate chambers. Specifically, the first and second dedicated passageways are separate and distinct from one another, capable of carrying (for example) different fluids to different chambers. The Action indicates that passageway 8 of Juhasz et al. is the equivalent of a second passageway of the hub as claimed. However, that passageway is not axially aligned, but rather, it is aligned radially.

Since the remainder of the art of record fails to meet the deficiencies of Juhasz et al., the independent claims (claims 1, 35 and 36) are patentable over the prior art of record. Moreover, since the remainder of the claims are dependent from claim 1, they necessarily incorporate by reference all the features recited in claim 1, and thus, are believed patentable over the prior art for the same reasons. Withdrawal of the § 102 rejection is now respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants submit that the issues raised in the outstanding Office Action have all been addressed. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No fee is currently due for the present response. However, in the event that it is determined that additional fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311, Ref. No. 18405-115, Customer No. 35437.

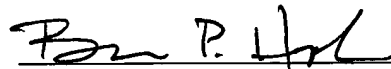
Express Mail Label No.: EV 532352104 US
Date of Deposit: October 1, 2004

Patent Application
Attorney Docket No. 18405-115

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Date: Oct. 1, 2004



Brian P. Hopkins, Reg. No. 42,669
Attorney for Applicants
Mintz Levin Cohn Ferris
Glovsky & Popeo, P.C.
The Chrysler Center
666 Third Avenue, 24th Floor
New York, New York 10017
Tel: (212) 935-3000
Fax: (212) 983-3115